

STATE OF MICHIGAN

WASHTENAW COUNTY TRIAL COURT - FAMILY DIVISION

GARY A. MITCHELL,  
DEFENDANT,

VS.

AMANDA V. MITCHELL,  
PLAINTIFF,

MOTION FOR THE INCREMENTAL  
INCREASE IN PARENTING TIME

CASE NO. 16-2321-DM  
(TELEPHONIC AND/OR VIDEO  
CONFERENCE REQUESTED )  
HONORABLE DARLENE A. O'BRIEN

MICHIGAN ADVOCACY PROGRAM  
CRIMEVICTIM ASSISTANCE PROGRAM  
ATTORNEY FOR PLAINTIFF  
MS. EMILY J. MILLER (P78551)  
15 SOUTH WASHINGTON STREET  
YPSILANTE, MI 48197

GARY A. MITCHELL # 382510  
DEFENDANT IN PRO PER  
1342 W. MAIN STREET  
IONIA, MI 48846

MOTION FOR THE INCREMENTAL INCREASE IN PARENTING TIME

NOW COMES DEFENDANT, GARY A. MITCHELL, acting as Defendant In Pro Per, and hereby requests that this Court enter an ORDER for the INCREMENTAL INCREASE in the parenting time between defendant and his minor son. In support of his motion, Defendant states;

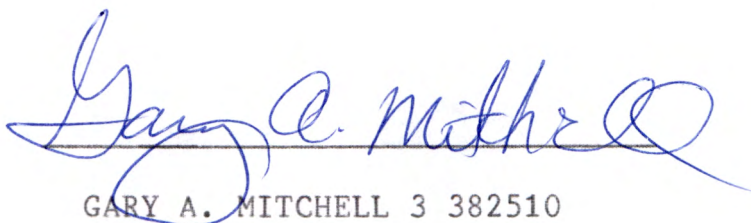
- 1, On June 13, 2018, this Court entered its ORDER suspending any and/or all parenting time for the Defendant. It should be noted for the record, Defendant has NOT seen and/or heard from his son since July 10, 2016.
2. On several occasions since June 13, 2018 Defendant has unsuccessfully moved this Court to reinstate his parenting time.

(1)

Exhibit A

3. Plaintiff and her attorney has continuously and correctly stated that " in order to revisit and custody ORDER Defendant must show proper cause and/or a change in circumstances, HOWEVER, Judgements or ORDERS that provide for the INCREMENTAL INCREASE in parenting time as the minor child ages are valid, and the Court is NOT required to hold individual hearings to determine proper cause or change in circumstances for those increases. The fact that the minor child is getting older is and of itself an invalid change in circumstances.

4.

A handwritten signature in blue ink, reading "Gary A. Mitchell", is written over a horizontal line.

GARY A. MITCHELL 3 382510  
1342 W. Main St.  
Ionia, MI 48846

Dated:-----

BRIEF IN SUPPORT OF MOTION FOR  
INCREMENTAL INCREASE IN PARENTING TIME

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Before filing this Motion and Brief in regards to this Parenting Time issue, I asked them "After 5 years, what can I say that would make a difference?" They advised me to "Speak from my heart and Be honest."

Honestly I feel as though Moving this particular Court for ANYTHING is like talking to a prison guard about a rule infraction in that NO matter what I am saying, they arent really listening to my words. Instead they are thinking about which policy they will quote to tell me "NO". It was, and STILL is my sincere belief that this Court has been and is UNFAIRLY BIAS AND PREJUDICIAL against me. For the record, any and everyone else I have shown this ENTIRE case to also agrees. A friend of mine has offered that your "problem" with me is my age and my criminal history? First of all, to be BIAS against me for ANY reasons is UNETHICAL. If in fact my age is an issue then this would be Age Discrimination. If the problem is my Criminal History then by all means let's look at my criminal history even though Michigan law prohibits using criminal history as a sole determinate.

Judge O'Brien I WAS SIXTEEN YEARS OLD WHEN I JOINED THE MILITARY IN 1973!!!! I respectfully challenge you ( or Ms. Miller) to find 5 men in the State of Michigan who can say that.? I am by NO MEANS using this as an excuse. It is however a STATEMENT OF FACT. I will be the FIRST one to admit the experience TOTALLY screwed up my head...BUT... I would serve again if called. I got out in 1976 and within ONE YEAR I was in prison. Like most Viet Nam Vets I came home angry and disenfranchised. So as a 20 year old I found myself in one of the most violent and ruthless prisons in the U.S. at that time. My choices for survival were simple...Predator or Prey. I make NO apologies for choosing the former. At any rate, somewhere along the line... I GREW UP. MEN ARE BRUTALIZED BY THEIR ENVIRONMENT JUDGE O'BRIEN- NOT THE REVERSE. I MADE THE DECISION THAT ENOUGH WAS ENOUGH. SO AFTER TWENTY EIGHT (28) YEARS...I WAS RELEASED.

I am aware ~~You~~ Honor that You, as well as others, arent comfortable with the age difference between Amanda and I. Rightfully so considering the Nature of some of my crimes. I assure you this WASN'T intentional. Judge O'Brien when I went to prison in 1977...there were NO cellphones. There was NO laptops. There were NO ATMs. There was NO Facebook...and for the most part, THERE WERE NO 14 YEAR OLD GIRLS PROTRAYING THEMSELVES OFF AS 19.!!!! So 28 years later

I walk out of the Time Capsule. I got out in 2004 and the WOMAN that I was with lived in Ottawa, Canada so I took a bus to Syracuse, NY and eventually crossed the Canadian border (Yes, Illegally) and lived with her for two years. When I came back stateside, Facebook and all the dating apps WERE THE CRAZE. I must admit I was so naive that I was the guy who actually submitted their credit card number when girls mysteriously popped up on my laptop claiming to be "close by and available". I SIMPLY DIDNT KNOW... AT ANY RATE, SO when I meet and/or ran into Amanda's profile ...YES I BELIEVED SHE WAS 19 AND AVAILABLE.

I am in the unfortunate position now that in order to PROVE anything I say to YOU is the TRUTH, IF the truth even matters to you, I must Prove that Amanda is a LIAR. BTWQ. the prosecutors statement that by MY lying MY age to 31 instead of 41 for the intent of drawing underage girls is like saying that a 41 year old woman DYES her hair to attract teenage boys. At any rate, let us ASSUME your issue with me is Credibility? Judge O'Brien if you remove the ACCIDENT I had involving Amanda, after I got out in 2004 I COMPLETELY TURNED MY LIFE AROUND!!!! After 28 years my only Police contact was possession of a joint of marijuana!?? You are a Judge..WHO DOES THAT MUCH TIME AND STAYS OUT?? ME!!! Back to the issue of Credibility...In March 2016, unbeknownth to me, Amanda went to Monroe Court and got a restraining order against me. TWO DAYS LATER SHE GOES TO TENNESSE WITH ME AND WE SPEND A WEEK!! Didnt she have to SWEAR to the Monroe Judge she was deathly afraid in order to get the PPO? In Court she said " I struck her with the vehicle but I didnt beat or choke her." In her Divorce Complaint she specifically says " I BEAT AND CHOKED HER"!! SEE EXHABIT A In her complaint she cited SPECIFIC INCIDENTS of domestic violence in order to get a divorce and PPO. Judge O'Brien I currently have a post of ~~gofundme~~fundme.Com trying to raise \$2000 to pay the cost of taking a POLYGRAPH. It was my INTENTION to submit those result with this Motion. I am aware that Michigan law does NOT allow the use of a POLYGRAPH in criminal or civil cases HOWEVER they can be used to assist the Court in CREDIBILITY issues. I havent been able to raise the full amount however since the Plaintiffs attorney has repeated requested that I be sanctioned \$1000, wouldnt that be better served if the COURT would ORDER that I be polygraphed and IF I FAIL I BE SANCTIONED AND ORDERED TO REIMBUSE THE STATE AND THE COURT? FURTHERMORE IF I FAILED I WOULD BE WILLING TO SIGN OFF ON AN ORDER THAT WOULD ALLOW THIS COURT TO STAMP "FINIS" ON ALL MY PARENTAL RIGHTS? I AM ABSOLUTELY OPEN TO THIS



REQUESTED QUESTIONS

In Plaintiffs Divorce Complaint she stated" During the month of July 2016 I WAS FORCED TO FLEE OUR MARITAL HOUSE BECAUSE OF PHYSICAL VIOLENCE"..

1. At ANYTIME during the ENTIRE time you and AMANDA lived in Milan were you EVER physically and/or emotionally abusive with her?

EMPHATICALLY NO!!!!!!!

2. At anytime during your ENTIRE marriage, either in Ann Arbor or Tennessee were you EVER mentally, emotionally, physically abusive and/or controlling with her???

EMPHATICALLY NO!!!!!!

3. At anytime during your relationship were BOTH of her parents guilty of using racial slurs toward you and/or your son?

EMPHATICALLY YES!!!!!!

4. Was Amanda using HARD DRUGS before you met her and EVER in the presence of your son?

EMPHATICALLY YES!!!!!!!

According to the test examiner I am only allowed 4 questions however I am absolutely willing to be subjected to as many questions as the COURT deems necessary to establish Credibility as long as there is the specific understanding that WHEN I PASS I WILL BE ALLOWED TO VISIT WITH MY SON VIA PHONECAM ONCE EACH WEEK AND I WILL BE SENT MONTHLY PHOTOS AND UPDATES IN WRITING TO HIS SCHOOL EVENTS, GRADES, AS LIFE AS A WHOLE.???

Having said that, Judge O'Brien it is NOT my intent to fight with or make Amanda look bad. I let all that anger go years ago. Ms Miller is QUICK to run to the Court with my dire warning to Amanda but where are the last 50 letters I have written to him telling him" boy you are a MITCHELL so you dont need to wait for the calender to tell you to hug your mom...to show her you love her and appreciate her." WHERE ARE ALL THOSE LETTERS?? WHERE is the Motion complaining about the Apple Air Notebook I bought for him? Where is the motion asking for sanctions for the thousands of dollars I have sent to Amanda for his upkeep? There are guys IN PRISON for not taking care of their kids on the streets!!! Friend of the Court doesnt have a record of these funds and/or gifts because ID DONT WANT OR NEED PRAISE FOR DOING WHAT I AM SUPPOSED TO DO.....BUT JUST IN CASE SHE SAYS THAT IS ALSO UNTRUE...I HAVE

RECEIPTS.

JUDGE O'BRIEN I AM ASKING TWO THINGS OF YOU....ALLOW ME TO BE IN MY SONS LIFE AND PROVIDE SOMEONE WHO WILL HELP ME WALK THIS TIGHTROPE OF LOVING MY SON AND ILL FEELINGS TOWARD HIS MOM AND HER FAMILY FOR USING LIES TO PUT ME IN PRISON?

In Five years of litigation Amanda or Ms. Miller have NEVER DARE mention doing ANYTHING that is "in the best interest of the child." It has ALWAYS been about HER!!! I DONT CARE ABOUT HER!!! I DONT CARE WHAT SHE IS DOING. I DONT CARE WHO SHE IS DOING IT WITH. SEE EXHABIT 2 it is a print out from my crash data recorder SHOWING at the time of this incident I was going 4.117 Mph!!! I was doing 60mph when I pulled into the parking lot. WHO SLOWS DOWN TO 4mph if they INTEND to harm someone???? BTW...strange whow there was NO blood anywhere from the point of the accident to the garbage truck she hid inside? I mean she asid she " herocally snatched her arm out of the grill of the car to prevent me from hanking it off when I backed out!!" Really? So why is the cut on her arm she received VERTICAL rather than HORIZONTAL? WHY IS THERE ONLY BLOOD FROM THE CAB OF THE TRUCK LEADING OUT BUT NONE LEADING IN? Because she is a CUTTER!! She has over 30 VERTICAL cuts on EACH arm. She is an EXPERT on how to cut and produce the greatest AFFECT without really harming herself. Judge O'Brien please know that I am not saying any of this to be mean. Im saying it because I know and she knows what happen. There WAS a Box cutter in the Cab of the garbage truck which explains WHY she wasnt bleeding when I left. Your Honor despite what you may or may not think, I HAVE EVERY REALISTIC BELIEF THAT I WILL BE OUT WITHIN TWO YEARS. As you know, The United States District takes longer. They dont automatically rubberstamp what happens in Michigan Courts. Normally the longer they take, the better. I have been waiting a year thus far. There are guys who sent their cases in June 2021 and got them back August 2021 denied. Not only will I be released....it will be a STRUCTRAL ERROR which will mean NO RETRIAL. You cantg straddle me with an attorney whom I filed a Grievance against with the ATC and put on the record 7 times I want to hire my own attorney....AND NOT THINK IT WONT BE TOSSED. I HAVE SINCE LEARNED THAT IN WASHTENAW ITS NOT ABOUT DUE PROCESS...THEY TRADE US LIKE BASEBALL CARDS..THEN SAY" well if you get out fine...if not...you are stuck for life!! : " The only reason I say any of this is despite what Amanda has orchestrated against me i AM NOT willing to try to turn our son against her. I LOVE HIM TOO MUCH... When I pass ANY polygraph test then you must then accept the truth that the 3 times she abandoned him WAS NOT BECAUSE SHE WAS IN ANY DANGER...SHE WAS SIMPLY CUTTING ALL TIES SO SHE COULD BE FREE.

A couple years ago Judge Kunke made a statement that " She would also

hate the idea of HER teenaged daughter going on a cross-country "Van-life" with someone like me." AND THEREIN LIES THE PROBLEM WITH BOTH HER BIAS AND YOURS...THIS IS WHAT AMANDA RECOGNIZED BY LIVING WITH A BLACK MAN.... I CAN ABSOLUTELY 100% GUARANTEE YOU JUDGE O'BRIEN THAT BOTH YOU AND JUDGE KUNKE WOULD HAVE NOT ONLY APPROVED OF BRIAN LANDRIE TAKING YOUR DAUGHTER CROSS COUNTRY BUT YOU WOULD HAVE HELPED THEM LOAD UP AND GIVEN THEM MONEY!! BELIEVE IT OR NOT....I GET THE WHOLE ENTIRE DOMESTIC VIOLENCE THING. I GET IT. THATS WHY I CHANGED!!! AMANDA AND I DID THE SQME EXACT THING BABBY AND BRIEN DID. PULL HER PSYCHE RECORDS YOUR HONOR. SHE IS BI-POLAR, PERSONALITY DISORDER, PSYCHOTIC, NARCISSITIC, AND A SOCIOPATH. THAT IS WHAT HER SHRINKS SAY. THAT IS THE WOMAN I LEFT ON A VAN-LIFE TREK WITH. NOW LOOK WHAT I RETURNED WITH! PLEASE DONT TELL ME YOU THINK SOMEONE LEARNS TO STAND ON THEIR OWN TWO FEET BY BEING EMOTIONALLY ABUSED? PLEASE DONT TELL ME YOU LIFT SOMEONES SELF ESTEEM TO THE MOON BY PUTTING THEM DOWN?

ONE OF THR 12 POINTS TO THE BEST INTEREST OF THE CHILD TEST IS ...THE OTHER PARENTS WILLINGNESS TO COOPERATE WITH THE PARENT. I HAVE SHOWN THAT. EVERY LETTER I HAVE SENT MY SON INSISTS HE NEVER EVER DISRESPECT OR EVEN RAISE HIS VOICE TO HIS MOTHER!!! I WAS ABANDONED AT AGE @ BY BOTH MY MOM AND DAD.BTW THAT IS THE EXACT AGE HE WAS COMPLETELY TAKEN FROM ME. I KNOW HOW WHAT HAPPENS NOW WILL EFFECT HIM LATER.

JUDGE O'BRIEN THERE IS THIS KID ( 18 years old) NAME JEVON SORREL. HE IS ALSO BI-RACIAL. SEEING HIM..LISTENING TO HIM SCARES THE HELL OUT OF ME. HE IS THE REASON I AM TRYING AGAIN. ONE NIGHT HE SAID" I HATE WHITE PEOPLE!!! I HATE BEING HALF WHITE!!!" THIS STATEMENT CONFUSED ME SO A COUPLE DAYS LATER I PULL ED HIM ASIDE AND SAID" JAY WWHYW WOULD YOU SAY THAT AND YOU ARE HALF WHITE?ITS LIKE SAYING YOU HATE YOURSELF?? HE SAID GARY...WHITE PEOPLE CALL ME NIGGER, AND BLACK PEOPLE SAY I AINT BLACK OR NIGGA ENOUGH"..... I KNEW RIGHT THEN I HAD TO GET BACK IN MY SONS LIFE YOUR HONOR. I KNOW FOR A FACT HE IS NOW AT THE AGE IS REALIZES HE IS BLACK.I KNOW HE IS NOW ASKING ABOUT HIS DAD.I HAVE NO IDEA WHAT HE IS BEING TOLD BY AMANDA AND THATI IS NOT MY CONCERN. HE IS NOW AT THE AGE I CAN TALK TO HIM.HE CAN UNDERSTAND. AT 7 HE REALIZES HE IS A MALE. SOON ISSUES LIKE HIS SEXUALITY WILL CROSS HIS MIND. I NEED HIM TO KNOW RIGHT NOW THAT THERE IS NO "CLOSET" THAT HE HAS TO WORRY ABOUT COMING OUT OF. I WANT TO ALWAYS ENCOURAGE HIM TO BE ALL THAT HE CAN BE BUT TO ALSO KNOW THAT WITH ME HE CAN NEVER FALL SHORT BECAUSE HE WILL ALWAYS BE WHAT HE WAS MEANT TO BE....REGARDLESS OF THE OCCUPATION HE CHOSSES OR THE LOVES IN HIS LIFE..HE WILL ALWAYS BE MY SON.Thats why Amanda rebelled. Thats why her brother is the same way. Their dad wanted him to be a hockey player...when he didnt he reject ed him. I WANT GARY TO BE HAPPY...PERIOD.



IT IS MY HOPE THAT POLYGRAPHS ETC ARENT NECESSARY.? I WILL LET THE APPEALLATE COURTS DEAL WITH MY CRIMINABLE ISSUE. IT IS MY SINCERE HOPE THAT REGARDLESS OF WHO IS TELLING THE TRUTH OR LYING ,AMANDA CAN PUT WHAT HAS HAPPENED ASIDE AND DO WHAT IS BEST FOR OUR SON IN THE LONG RUN. EVERY GIRL DESERVES A MOM AND EVERY LITTLE BOY DESERVES HIS DAD. DESPITE WHAT HAS HAPPEN I CAN STILL HONESTLY SAY THAT THE TWO MOST IMPORTANT AND HAPPEST DAYS IN MY MISERABLE LIFE IS THE DAY I MET AMANDA AND SUNDAY-DECEMBER 21, 2014 at 10am. BECAUSE THIS MOTION IS FOR AN INCREMENTAL INCREASE IF THE COURT IS MORE COMFORTABLE RESTORING MY RIGHT TO HAVE MEANING FUL PHOTOS OF OUR SON AND HIS EVENTS FOR A SPECIFIC AMOUNT OF TIME TO PUT ME ON A PROBATION...I AM WILL TO DO THAT AS WELL. MY POINT IS THAT I AM WILLING TO DO WHATEVER IS IN THE BEST INTEREST OF OUR SON. With all due respect your honor,

Enough is enough. Four years of being allowed to TOTALLY ERASE me from his mind, heart, and consciousness because I wrote her a letter WARNING her what the end result of ERASING me from his mind and heart would be?? It's NOT like I sent her a letter THREATENING her safety?? Again since I HAVE NEVER BEEN accused of being anything but a great dad let's SEE if the COURT has been MANIPULATED. It's my feeling that the COURT DOESN'T CARE if I HAVE BEEN TRUTHFUL. If I fail your polygraph...I am legally finis but when I PASS then the COURT should TAKE immediate action TO REUNITE my son and I.

GARY A. MITCHELL

Thank you

I saw you on a COURT-CAM interview where you STATED "IT IS THE People's COURT and you believe all the People have a right to be heard?" In five years I haven't had mine I am REQUESTING that this issue be heard either via Zoom or telephone?? After all my son also has a right to know and interact with his Dad doesn't he? 6



Oct 08 20 08:05p

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## Exhibit A

(7)  
~~CONFIDENTIAL~~

1 Q Okay, Your Honor, may I approach the witness?  
2 THE COURT: Yes.  
3 BY MR. KILLEWALD:  
4 Q Would you read that highlight -- not read it, but just  
5 refresh your memory?  
6 A Okay. It says --  
7 Q Well let me ask you the question.  
8 A Okay.  
9 Q That allegation is that you said Gary got out of the car  
10 and beat you.  
11 A That is correct.  
12 Q That's a false statement.  
13 A He tried to strangle me.  
14 Q No, ma'am. Let's just get this straight. You said he  
15 never -- he put his hands around your neck, he never  
16 applied any pressure. That motion says he got out of the  
17 car and beat you. Is that what that motion says?  
18 A That is what it says.  
19 Q And that's a lie.  
20 MR. HATLEN: Objection, your Honor.  
21 THE WITNESS: Yes.  
22 MR. HATLEN: It's a point of verification.  
23 MR. KILLEWALD: So are you saying when --  
24 THE COURT: Overruled.  
25 MR. KILLEWALD: I'm sorry, go ahead.

**Hamdan, Natalya**  
**Re: Sale of 2452 W Stadium**

**1121-15029**  
**IJR**

**Hamdan, Natalya**  
**Re: Sale of 2452 W Stadium**

**1121-15029**  
**IJR**



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## Exhibit B



Michigan Department of State Police  
ORIGINAL INCIDENT  
REPORT

ORIGINAL DATE Thu, Aug 11, 2016	INCIDENT NO. 001-0000333-16 (AR)
TIME RECEIVED 1154	FILE CLASS 93001

**EVIDENCE TECHNICIAN:**

Trooper Gallagher examined the vehicle and gathered physical evidence and took photographs as it related to the investigation. The property was turned over to Officer McLaughlin.

**SUSPECT VEHICLE:**

2007 Cadillac CTS, black in color  
VIN: 1G6DP577570134108, bearing MI/ DMK6060

**CRASH DATA RETRIEVAL (C.D.R.):**

I completed an image of the air bag control module (A.C.M.) of the Cadillac on Wednesday, August 10, 2016 at Milan P.D. The image was performed via direct connection to the diagnostic link connector (D.L.C.) port. A non-deployment event was recovered. Ignition cycles were 19,056 at the time of the event and 19,059 at the time of the investigation. A maximum longitudinal change in velocity of -4.15 m.p.h. was recorded at 125 milliseconds. The driver's belt switch circuit state showed "buckled". The following pre-crash data was recorded as well.

Seconds Before AE	Vehicle Speed (MPH)	Engine Speed (RPM)	Percent Throttle
-5	16	1856	0
-4	16	1088	0
-3	11	768	0
-2	10	1088	48
-1	7	1024	0

There is a difference of three ignition cycles between the event and the investigation. While the recorded event could be associated with this incident, there is insufficient physical evidence to definitively tie the recorded event to this actual incident.

A complete copy of the report is attached to this incident as an external document. The information contained in the C.D.R. report should be reviewed by a certified C.D.R. analyst and used in conjunction with available physical evidence to fully evaluate the applicability of the recovered data.

**EXTERNAL DOCUMENTS:**

Scale Diagram - 2 pages  
Raw Data - 4 pages  
C.D.R. Report - 6 pages

**STATUS:**

T.O.T. Milan P.D.

PAGE 2 of 2	INVESTIGATED BY SGT KEVIN LUCIDI #147	REPORTED BY	REVIEWED BY
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